

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JAMES M. BRANDON

Plaintiff,

-against-

19 **CIVIL** 1923 (GHW)

JUDGMENT

NPG RECORDS, INC., NPG MUSIC PUBLISHING,
LLC, THE ESTATE OF PRINCE ROGERS NELSON,
COMERICA BANK & TRUST, N.A., SHELTON
JACKSON LEE, FORTY ACRES AND A MULE
MUSICWORKS, INC., TWENTIETH CENTURY
FOW FILM CORPORATION,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated April 30, 2020, Defendants' motions to dismiss pursuant to Rule 12(b)(6) are therefore GRANTED. Plaintiff's Amended Complaint is dismissed with prejudice. "Although leave to amend should be granted freely, it is not warranted where the amendment of a complaint would be futile." *Gianatasio v. D'Agostino*, 862 F. Supp. 2d 343, 351 (S.D.N.Y. 2012) (citing *Acito v. IMCERA Grp., Inc.*, 47 F.3d 47, 55 (2d Cir. 1995) ("Although the decision of whether to allow plaintiffs to amend their complaint is left to the sound discretion of the district court, there must be good reason to deny the motion. One good reason to deny leave to amend is when such leave would be futile.")). Here, any amendment would be futile because Plaintiff would still be collaterally estopped from alleging that Girl 6 infringed the Copyright Registration for Phone Sex. Therefore, Plaintiff is denied leave to amend. The motions to seal Exhibits B, D, E, and G to the Sun Declaration are GRANTED. The motions to seal as to the remaining documents are DENIED. The parties are directed to file unredacted copies of those documents: Judgment is entered for Defendant and, this case, is closed.

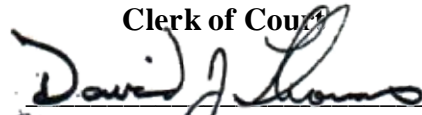
Dated: New York, New York

April 30, 2020

RUBY J. KRAJICK

Clerk of Court

BY:


Deputy Clerk